

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JULIA ZIMMERMAN,

Plaintiff,

Case No. 2:23-cv-11634-NGE-APP

vs.

ELIZABETH A. PENSLER, D.O., PLLC
(d/b/a "Pensler Vein and Vascular",
"Pensler Vein and Vascular Surgical
Institute", and "Elizabeth Face +
Body Med Spa") *et al.*

Defendants.

Judge: Hon. Nancy G. Edmunds
Magistrate Judge:
Hon. Anthony P. Patti

DEBORAH GORDON LAW
Deborah L. Gordon (P27058)
Elizabeth Marzotto Taylor (P82061)
Sarah Gordon Thomas (P83935)
Molly Savage (P84472)
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**THE HEALTH LAW
PARTNERS, P.C.**
Clinton Mikel (P73496)
Attorneys for the Defendants
Elizabeth A. Pensler, D.O., PLLC
(d/b/a "Pensler Vein and Vascular
"Pensler Vein and Vascular Surgical
Institute", and "Elizabeth Face +
Body Med Spa"); Elizabeth Med
Spa, PLLC; Derek L. Hill, D.O.,
PLLC; (d/b/a "Hill Orthopedics"),
Elizabeth Pensler, D.O. and
Derek Hill, D.O.
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DECLARATION OF ELIZABETH PENSLER, D.O.

I, Elizabeth Pensler, D.O., do hereby declare the following to be true and correct to the best of my knowledge, information, and belief.

1. I am a resident of Michigan. I am over the age of eighteen and I am competent to provide this Declaration.
2. I am licensed to practice Medicine in Michigan.
3. I am a named Defendant in the above captioned action.
4. I am the owner of Elizabeth A. Pensler, D.O., PLLC (d/b/a “Pensler Vein and Vascular”, “Pensler Vein and Vascular Surgical Institute”, and “Elizabeth Face + Body Med Spa”) (“**Elizabeth A. Pensler, D.O., PLLC**”) and I have been the sole owner of this PLLC/company and its practice since its inception.
5. Elizabeth A. Pensler, D.O., PLLC, is a named Defendant in the above captioned action.
6. I am the owner of Elizabeth Med Spa, PLLC and I have been the sole owner of the PLLC/company since its inception. (“**Elizabeth Med Spa**”).

7. Elizabeth Med Spa is a named Defendant in the above captioned action.

8. In my capacity as the sole owner of Elizabeth A. Pensler, D.O., PLLC and sole owner of Elizabeth Med Spa, I have personal knowledge of each PLLC's business records, email servers, emails, and email chains that are used, sent, and/or received in the normal course of business of Elizabeth A. Pensler, D.O., PLLC and Elizabeth Med. Spa.

9. I also have personal knowledge of any business records, emails, and/or email communications that are sent/received by Elizabeth A. Pensler, D.O., PLLC, Elizabeth Med. Spa. and/or me at the email address: epensler@yahoo.com. I use the epensler@yahoo.com email address for both Elizabeth A. Pensler, D.O., PLLC and Elizabeth Med. Spa.

10. Attached to this declaration is the following **Exhibit**, of which I have personal knowledge. The exhibit is an email chain sent by Julia Zimmerman on May 8, 2023 (which incorporates an April 13, 2023, email), to my email address, epensler@yahoo.com, with copies to Dr. Derek Hill (and other member of Dr. Hill's staff). This email chain was: (a) sent in the normal course of business of Elizabeth A. Pensler, D.O., PLLC, Elizabeth Med. Spa and me as the owner of the businesses; (b) it is the normal course of business/regular practice of Elizabeth A.

Pensler, D.O., PLLC, Elizabeth Med. Spa. and myself as the owner of the businesses (*i.e.*, epensler@yahoo.com) to communicate by email and to retain and not delete emails; (c) the email chain was made/sent/transmitted at/around the times indicated thereon (below) and received by me (a person with personal knowledge) at the email epensler@yahoo.com at/around the times indicated thereon. I further attest that the email chain identified below and attached as **EXHIBIT A**, is a true, authentic, and accurate copy of the following email chain:

EXHIBIT A - email chain from Julia Zimmerman to Elizabeth Pensler, et. al, sent on Monday, May 8, 2023, 9:07 AM. This email chain references an email from Julia Zimmerman to Elizabeth Pensler, et. al, Thursday, April 13, 2023, 11:48 a.m., and contains a supplemental email from Ms. Zimmerman to Elizabeth Pensler, et al. on May 8, 2023, at 11:34 a.m.

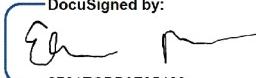
11. In my capacity as owner of Elizabeth A. Pensler, D.O., PLLC and Elizabeth Med. Spa, as well as the rightful owner/custodian of the email address, epensler@yahoo.com, I conducted a thorough search, including a final search on September 22, 2023, of all of the emails that would or could have been sent by Julia Zimmerman on May 8, 2023, to Elizabeth A. Pensler, D.O., PLLC, Elizabeth Med. Spa. and/or my own email/to me (*i.e.*, epensler@yahoo.com), and I attest that to the best of my knowledge and based upon my search that **EXHIBIT A** is only email chain (or email) that was sent by Plaintiff Julia Zimmerman on May 8, 2023, and/or

received by Elizabeth A. Pensler, D.O., PLLC, Elizabeth Med. Spa. and my own email/me (*i.e.*, epensler@yahoo.com) from Julia Zimmerman on May 8, 2023, that is in any way related to the subject matter of the Complaint.

12. I attest that the facts provided in this Declaration are true, correct, and accurate to the best of my knowledge, and if called into court I would testify to the same.

In accordance with 28 U.S.C. Section 1746, I declare under penalty of perjury that the forgoing is true and correct.

Date: September 25, 2023

DocuSigned by:

Name: Elizabeth Pensler, D.O.
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